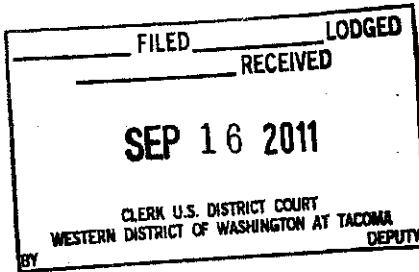


1 The Honorable J. Kelley Arnold
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,) NO. MJ 11-5190
Plaintiff,) COMPLAINT for VIOLATION
v.) Title 18, U.S.C., Section 1543.
EMILIAN MADALIN NITA,)
Defendant.)

BEFORE the Honorable J. Kelley Arnold, United States Magistrate Judge,
U. S. Courthouse, Tacoma, Washington.

COUNT ONE
(Use of Forged Passport)

On or about December 28, 2010, at Bremerton, within the Western District of Washington, the defendant, EMILIAN MADALIN NITA, did willfully and knowingly use a false, forged, counterfeited, and altered passport, to wit, by presenting a false, forged, counterfeited, and altered Slovakian passport, in the false name of D.S., in order to open bank accounts at a branch of Bank of America.

All in violation of Title 18, United States Code, Section 1543.

COUNT TWO
(Use of Forged Passport)

On or about January 20, 2011, at Silverdale, within the Western District of Washington, the defendant, EMILIAN MADALIN NITA, did willfully and knowingly

1 use a a false, forged, counterfeited, and altered passport, to wit, by presenting a false,
 2 forged, counterfeited, and altered Slovakian passport, in the false name of D.S., in order
 3 to open bank accounts at a branch of Bank of America.

4 All in violation of Title 18, United States Code, Section 1543.

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6 I, Rhys G. Williams, being duly sworn, do hereby depose and say:

7 1. I am a Special Agent with the Department of Justice, Federal Bureau of
 8 Investigation (FBI), assigned to the Seattle Field Division. I have been so employed for
 9 eight years. My duties include investigation of violent crime and organized crime.

10 2. The facts set forth in this affidavit are based upon my personal
 11 observations, my training and experience, and information obtained from other law
 12 enforcement officers. This affidavit is intended merely to show that there is sufficient
 13 probable cause for arrest and does not purport to set forth all of my knowledge of or
 14 investigation into this matter. Unless specifically indicated otherwise, all conversations
 15 and statements described in this affidavit are related in substance and in part only.

16 **I. SUMMARY OF INVESTIGATION**

17 3. As set forth below, there is substantial evidence that EMILIAN MADALIN
 18 NITA has used a false, forged Slovakian passport, bearing his photograph but with a false
 19 name, to open bank accounts at branches of Bank of America in the Western District of
 20 Washington. There is also substantial evidence that EMILIAN MADALIN NITA did this
 21 in furtherance of a scheme to defraud, in which various victims, who thought they were
 22 buying cars offered for sale over the internet, were deceived into making wire transfers
 23 into bank accounts controlled by EMILIAN MADALIN NITA and his co-conspirators.

24 **II. DETAILS OF INVESTIGATION**

25 4. Bank of America has provided documentary evidence indicating that an
 26 individual purporting to be D.S. opened (i) a personal bank account on December 28,
 27 2010, at a branch of Bank of America in East Bremerton, Washington, and (ii) a business
 28 bank account on January 20, 2011, under the business name of Cars Consultants LLC, at

1 a branch of Bank of America in Silverdale, Washington. The account opening documents
 2 reflect that on both occasions, as his primary form of identification for opening the bank
 3 accounts, the individual purporting to be D.S. presented a Slovakian passport in the name
 4 of D.S.

5 5. I have also reviewed surveillance video from Bank of America, from
 6 various transactions associated with the accounts opened in the name of D.S. This
 7 surveillance video includes video from Bremerton, on December 28, 2010, when the first
 8 D.S. accounts were opened, and from Silverdale, on January 20, 2011, when the business
 9 accounts in the name of D.S. were opened. All of the surveillance video supplied by
 10 Bank of America features the same suspect. I have seen EMILIAN MADALIN NITA in
 11 person, and recognize him as the suspect in the Bank of America surveillance video.

12 6. Through a consent search on various items of luggage belonging to
 13 EMILIAN MADALIN NITA, I recovered identification documents bearing the
 14 photograph of EMILIAN MADALIN NITA, but with several different names. Among
 15 these identification documents were two in the name of D.S., including one purporting to
 16 be a Slovakian identification card, and another purporting to be an international driver's
 17 license. In addition, I recovered several apparently genuine identification documents in
 18 the name of EMILIAN MADALIN NITA (such as his California driver's license, Social
 19 Security Card, green card, and Romanian passport), as well as an apparently false
 20 Lithuanian passport under the name of D.A.

21 7. In an in-custody interview, in the presence of his attorney and after
 22 receiving *Miranda* warnings, EMILIAN MADALIN NITA admitted that he had used a
 23 passport in the name of D.S. to open the accounts at Bank of America. EMILIAN
 24 MADALIN NITA also stated that he had opened an account in the name of D.S. at a
 25 branch of Wells Fargo bank.

26 8. The D.S. accounts appear to have been opened by EMILIAN MADALIN
 27 NITA as part of a scheme to defraud. In particular, information supplied by Bank of
 28 America indicates that on February 1, 2011, the Cars Consultants LLC account received a

1 wire transfer of \$19,000. The person who made this wire transfer, C.W.P. of Savannah,
2 Georgia, subsequently filed a complaint with the Internet Crimes Complaint Center,
3 indicating that he had wired the \$19,000 after seeing an advertisement on Autotrader for a
4 2008 Lexus, and reaching agreement with the purported seller on a price for the car.
5 C.W.P. reported that after he wired the money, he never received the car.

6 9. Surveillance video and transaction records indicate that on February 2,
7 2011, after the wire from C.W.P. was received in the Cars Consultants LLC account,
8 EMILIAN MADALIN NITA went into two different branches of Bank of America, one
9 in Port Orchard and one in Bremerton, Washington, and made withdrawals of \$8,900 and
10 \$9,300, respectively.

11 III. CONCLUSION

12 10. Based on the foregoing information, I respectfully submit that there is
13 probable cause to believe the defendant has committed the offenses charged above.

14 
15
16 RHYS G. WILLIAMS, Complainant
17 Special Agent, Federal Bureau of Investigation

18 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
19 presence, the Court hereby finds there is probable cause to believe the defendant has
20 committed the offenses set forth in the Complaint.

21 Dated this 16 day of September, 2011.

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23
24 THE HONORABLE J. KELLEY ARNOLD
25 United States Magistrate Judge
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